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E-FILED: November 20, 2009

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In Re:) Case No. BKS-09-25738-BAM
) Chapter 13
)
)
Denise Fuleihan,) Hearing Date: December 01, 2009
) Hearing Time: 1:30 PM
)
Debtor(s).)
)
)

**DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY AND/OR REQUEST FOR RENOTICING
UNDER NRS 107.080 (AS REQUIRED UNDER NEVADA ASSEMBLY BILL 149
EFFECTIVE JULY 1, 2009)**

COMES NOW, Denise Fuleihan, by and through attorney, Lori Ochoa, Esq., of the LAW OFFICES OF HAINES & KRIEGER, LLC, and in response to **US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SG MORTGAGE SECURITIES ASSET BACKED CERTIFICATES, SERIES 2006-FRE2's** ("Creditor") Motion For Relief From Automatic Stay states as follows:

1. On August 26, 2009, Debtor filed the current Chapter 13 Petition in Bankruptcy with the Court.
2. Debtor's Plan provides that Debtor would continue to make direct payments to Creditor, while under the protection of the automatic stay of the Bankruptcy

Court, as well as provide for all payments in arrears through the Debtor's Chapter 13 Plan.

3. On or about August 26, 2009, Debtor began negotiating a loan modification with the Creditor (see loan modification fax submissions attached hereto as Exhibit "1")

4. On or about November 05, 2009, Creditor filed a Motion for Relief from the Automatic Stay.

5. On or about November 10, 2009, Debtor received a letter from the creditor explaining that they have received the request for the loan modification and they are in the process of reviewing the loan (see letter from ASC attached hereto as Exhibit "2").

6. On or about November 13, 2009, Debtor made a payment of \$10,500 to the creditor in good faith while the loan modification is in the process of being negotiated (see copy of check attached hereto as Exhibit "3").

7. Debtor believes that the asset securing US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SG MORTGAGE SECURITIES ASSET BACKED CERTIFICATES, SERIES 2006-FRE2's claim is necessary to the Debtor's effective reorganization.

8. Accordingly, Debtor requests Creditor's motion be denied or in the alternative requests this Court Order an adequate protection order be compelled.

9. In the event this Court is inclined to grant secured Creditor's request for relief from the automatic stay, the Debtor requests that Your Honor require Secured Creditor to renote any pending foreclosure action under NRS 107.080 (as revised by

Nevada Assembly Bill 149, effective July 1, 2009) by this Creditor to the extent applicable.

10. Pursuant to NRS 107.082 if a foreclosure “sale has been postponed by oral proclamation three times, any new sale information must be provided by notice as provided in NRS 107.080.” NRS 107.080 (as revised by Nevada Assembly Bill 149 effective July 1, 2009) requires Secured Creditor to provide Debtor a notice of election to enter into court mandated mediation.

WHEREFORE, Debtor requests:

1. US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR SG MORTGAGE SECURITIES ASSET BACKED CERTIFICATES, SERIES 2006-FRE2’s Motion be denied; and/or
2. In the event Your Honor grants relief from stay, that Secured Creditor be required to renote its foreclosure proceeding pursuant to Revised NRS 107.080 (as effective through Nevada AB 149, July 1, 2009), thus providing the Debtor an opportunity to elect court mandated mediation in State Court.
3. Such other relief as the Court finds appropriate.

Dated: November 20, 2009

/s/ David Krieger, Esq.
Attorney for Debtor(s)

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CERTIFICATE OF MAILING RE:
DEBTOR'S OPPOSITION TO MOTION FOR
RELIEF FROM AUTOMATIC STAY

I hereby certify that on November 20, 2009, I mailed a true and correct copy, first class mail, postage prepaid, of the above listed document to the following:

/s/David Krieger, Esq.
Attorney for Debtor

Gregory Wilde
208 S. Jones Blvd
Las Vegas, NV 89107